

### DETAILED OFFICE ACTION

Applicant's amendment filed on 30 March 2010 is acknowledged and entered. Following the amendment, claims 1-3, 11, 13, 15 and 38-43 are canceled, and claims 4-7, 16, 27 and 37 are amended.

Applicant's supplemental amendment filed on 02 July 2010 is acknowledged and entered. Following the amendment, claims 7, 16-28, 30-36 are canceled, claims 4, 6, 9, 10, 12, 14, 37, 44 and 45 are amended, and the new claims 46-50 are added.

Currently, claims 4-6, 9, 10, 12, 14, 37 and 44-50 are pending.

#### Interview summary

See attached PTO-413B.

#### Rejoinder

Claims 4-6, 9, 10, 12, 14, 37, 44 and 45 (group III invention, which have been under examination to the extent that they are directed to an IL-15 mutein which is an IL-15 agonist) are now allowable to the extent that they read on an IL-15 mutein which is an IL-15 agonist. Upon further consideration, the examiner decided to rejoin group IV invention (claims 4 and 44 in part, and claims 46-50), directed to an IL-15 mutein which is an IL-15 antagonist. Thus, claims 44 and 46-50 are rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups III and IV as set forth in the Office action mailed on 10/2/08 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C.

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121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

**Conclusion:**

Claims 4-6, 9, 10, 12, 14, 37 and 44-50 are allowed.

The allowed claims 4-6, 9, 10, 12, 14, 37 and 44-50 have been renumbered for issuance as the following:

<u>Current claim number</u>	<u>Issuance number</u>
4	1
44	2
5	3
45	4
6	5
9	6
10	7
12	8
14	9
37	10
46-50	11-15

**Advisory Information:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dong Jiang whose telephone number is 571-272-0872. The examiner can normally be reached on 9:30 am - 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dong Jiang/  
Primary Examiner, Art Unit 1646  
8/12/10